

determination of a subscriber's eligibility, when a prospective subscriber seeks to qualify for Lifeline service using the program-based eligibility criteria provided in § 54.409, an eligible telecommunications carrier must not seek reimbursement for providing Lifeline to a subscriber unless the carrier has received from the state Lifeline administrator or other state agency:

(i) Notice that the subscriber meets the program-based eligibility criteria set forth in §§ 54.409(a)(2), (a)(3) or (b); and

(ii) a copy of the subscriber's certification that complies with the requirements set forth in paragraph (d) of this section.

(d) Eligibility certifications. Eligible telecommunications carriers and state Lifeline administrators or other state agencies that are responsible for the initial determination of a subscriber's eligibility for Lifeline must provide prospective subscribers Lifeline certification forms that in clear, easily understood language:

(1) Provide the following information:

(i) Lifeline is a federal benefit and that willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program;

(ii) Only one Lifeline service is available per household;

(iii) A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses;

(iv) A household is not permitted to receive Lifeline benefits from multiple providers;

(v) Violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the subscriber's de-enrollment from the program; and

(vi) Lifeline is a non-transferable benefit and the subscriber may not transfer his or her benefit to any other person.

(2) Require each prospective subscriber to provide the following information:

- (i) The subscriber's full name;
- (ii) The subscriber's full residential address;
- (iii) Whether the subscriber's residential address is permanent or temporary;
- (iv) The subscriber's billing address, if different from the subscriber's residential address;
- (v) The subscriber's date of birth;
- (vi) The last four digits of the subscriber's social security number, or the subscriber's Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a social security number;
- (vii) If the subscriber is seeking to qualify for Lifeline under the program-based criteria, as set forth in § 54.409, the name of the qualifying assistance program from which the subscriber, his or her dependents, or his or her household receives benefits; and
- (viii) If the subscriber is seeking to qualify for Lifeline under the income-based criterion, as set forth in § 54.409, the number of individuals in his or her household.

(3) Require each prospective subscriber to certify, under penalty of perjury, that:

- (i) The subscriber meets the income-based or program-based eligibility criteria for receiving Lifeline, provided in § 54.409;
- (ii) The subscriber will notify the carrier within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the subscriber no longer meets the income-based or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit.
- (ii) If the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands, as defined in 54.400(e);
- (iii) If the subscriber moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within 30 days;

- (iv) If the subscriber provided a temporary residential address to the eligible telecommunications carrier, he or she will be required to verify his or her temporary residential address every 90 days;
- (v) The subscriber's household will receive only one Lifeline service and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service;
- (vi) The information contained in the subscriber's certification form is true and correct to the best of his or her knowledge,
- (vii) The subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and
- (viii) The subscriber acknowledges that the subscriber may be required to re-certify his or her continued eligibility for Lifeline at any time, and the subscriber's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits pursuant to § 54.405(e)(4).

(e) State Lifeline administrators or other state agencies that are responsible for the initial determination of a subscriber's eligibility for Lifeline must provide each eligible telecommunications carrier with a copy of each of the certification forms collected by the state Lifeline administrator or other state agency from that carrier's subscribers.

(f) Annual eligibility re-certification process.

- (1) All eligible telecommunications carriers must annually re-certify all subscribers except for subscribers in states where a state Lifeline administrator or other state agency is responsible for re-certification of subscribers' Lifeline eligibility.
- (2) In order to re-certify a subscriber's eligibility, an eligible telecommunications carrier must confirm a subscriber's current eligibility to receive Lifeline by:
 - (i) Querying the appropriate eligibility databases, confirming that the subscriber still meets the program-based eligibility requirements for Lifeline, and documenting the

results of that review; or

(ii) Querying the appropriate income databases, confirming that the subscriber continues to meet the income-based eligibility requirements for Lifeline, and documenting the results of that review; or

(iii) Obtaining a signed certification from the subscriber that meets the certification requirements in paragraph (d) of this section.

(3) Where a state Lifeline administrator or other state agency is responsible for re-certification of a subscriber's Lifeline eligibility, the state Lifeline administrator or other state agency must confirm a subscriber's current eligibility to receive a Lifeline service by:

(i) Querying the appropriate eligibility databases, confirming that the subscriber still meets the program-based eligibility requirements for Lifeline, and documenting the results of that review; or

(ii) Querying the appropriate income databases, confirming that the subscriber continues to meet the income-based eligibility requirements for Lifeline, and documenting the results of that review; or

(iii) Obtaining a signed certification from the subscriber that meets the certification requirements in paragraph (d) of this section.

(4) Where a state Lifeline administrator or other state agency is responsible for re-certification of subscribers' Lifeline eligibility, the state Lifeline administrator or other state agency must provide to each eligible telecommunications carrier the results of its annual re-certification efforts with respect to that eligible telecommunications carrier's subscribers.

(5) If an eligible telecommunications carrier is unable to re-certify a subscriber or has been notified of a state Lifeline administrator's or other state agency's inability to re-certify a subscriber, the eligible telecommunications carrier must comply with the de-enrollment requirements provided for in § 54.405(e)(4).

(g) Re-certification of temporary address. An eligible telecommunications carrier must re-certify, every

90 days, the residential address of each of its subscribers who have provided a temporary address as part of the subscriber's initial certification or re-certification of eligibility, pursuant to paragraphs (d), (e), or (f) of this section.

§ 54.411 [Removed]

15. Section 54.411 is removed.

16. Add § 54.412 to Subpart E to read as follows:

§ 54.412 Off reservation Tribal lands designation process.

(a) The Commission's Wireline Competition Bureau and the Office of Native Affairs and Policy may, upon receipt of a request made in accordance with the requirements of this section, designate as Tribal lands, for the purposes of the Lifeline and Tribal Link Up program, areas or communities that fall outside the boundaries of existing Tribal lands but which maintain the same characteristics as lands identified as Tribal lands defined as in § 54.400(c).

(b) A request for designation must be made to the Commission by a duly authorized official of a federally recognized American Indian Tribe or Alaska Native Village and must be filed pursuant to the Commission's rules.

(c) A request for designation must clearly describe a defined geographical area for which the requesting party seeks designation as Tribal lands.

(d) A request for designation must demonstrate the Tribal character of the area or community.

(e) A request for designation must provide sufficient evidence of a nexus between the area or community and the Tribe, and describe in detail how program support to the area or community would aid the Tribe in serving the needs and interests of its citizens and further the Commission's goal of increasing telecommunications access on Tribal lands.

(f) Upon designation by the Wireline Competition Bureau and the Office of Native Affairs and Policy, the area or community described in the designation shall be considered Tribal lands for the purposes of this subpart.

17. Revise § 54.413 to read as follows:

§ 54.413 Link Up for Tribal lands.

(a) Definition. For purposes of this subpart, the term “Tribal Link Up” means an assistance program for eligible residents of Tribal lands seeking telecommunications service from a telecommunications carrier that is receiving high-cost support on Tribal lands, pursuant to subpart D of this part, that provides:

(i) A 100 percent reduction, up to \$100, of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber’s principal place of residence imposed by an eligible telecommunications carrier that is also receiving high-cost support on Tribal lands, pursuant to subpart D of this part. For purposes of this subpart, a “customary charge for commencing telecommunications service” is the ordinary charge an eligible telecommunications carrier imposes and collects from all subscribers to initiate service with that eligible telecommunications carrier. A charge imposed only on qualifying low-income consumers to initiate service is not a customary charge for commencing telecommunications service. Activation charges routinely waived, reduced, or eliminated with the purchase of additional products, services, or minutes are not customary charges eligible for universal service support; and

(ii) A deferred schedule of payments of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber’s principal place of residence imposed by an eligible telecommunications carrier that is also receiving high-cost support on Tribal lands, pursuant to subpart D of this part, for which the eligible resident of Tribal lands does not pay interest. The interest charges not assessed to the eligible resident of tribal lands shall be for a customary charge for connecting telecommunications service of up to \$200 and such interest charges shall be deferred for a period not to exceed one year.

(b) An eligible resident of Tribal lands may receive the benefit of the Tribal Link Up program for a second or subsequent time only for otherwise qualifying commencement of telecommunications service at a principal place of residence with an address different from the address for which Tribal Link Up assistance was provided previously.

18. Add § 54.414 to Subpart E to read as follows:

§ 54.414 Reimbursement for Tribal Link Up.

(a) Eligible telecommunications carriers that are receiving high-cost support, pursuant to subpart D of this part, may receive universal service support reimbursement for the reduction in their customary charge for commencing telecommunications service and for providing a deferred schedule for payment of the customary charge for commencing telecommunications services for which the subscriber does not pay interest, in conformity with § 54.413.

(b) In order to receive universal support reimbursement for providing Tribal Link Up, eligible telecommunications carriers must follow the procedures set forth in § 54.410 to determine an eligible resident of Tribal lands' initial eligibility for Tribal Link Up. Eligible telecommunications carriers must obtain a certification form from each eligible resident of Tribal lands that complies with § 54.410 prior to enrolling him or her in Tribal Link Up.

(c) In order to receive universal service support reimbursement for providing Tribal Link Up, eligible telecommunications carriers must keep accurate records of the reductions in their customary charge for commencing telecommunications service and for providing a deferred schedule for payment of the charges assessed for commencing service for which the subscriber does not pay interest, in conformity with § 54.413. Such records shall be kept in the form directed by the Administrator and provided to the Administrator at intervals as directed by the Administrator or as provided in this subpart. The reductions in the customary charge for which the eligible telecommunications carrier may receive reimbursement shall include only the difference between the carrier's customary connection or interest charges and the charges actually assessed to the subscriber receiving Lifeline services.

§ 54.415 [Removed]

19. Section 54.415 is removed.

20. Revise § 54.416 to read as follows:

§ 54.416 Annual certifications by eligible telecommunications carriers.

(a) Eligible telecommunications carrier certifications. Eligible telecommunications carriers are required to make and submit to the Administrator the following annual certifications, under penalty of perjury,

relating to the Lifeline program:

- (1) An officer of each eligible telecommunications carrier must certify that the carrier has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services. Each eligible telecommunications carrier must make this certification annually to the Administrator as part of the carrier's submission of annual re-certification data pursuant to this section. In instances where an eligible telecommunications carrier confirms consumer eligibility by relying on income or eligibility databases, as defined in §§ 54.410(b)(1)(A) or (c)(1)(A), the representative must attest annually as to what specific data sources the eligible telecommunications carrier used to confirm eligibility.
 - (2) An officer of the eligible telecommunications carrier must certify that the carrier is in compliance with all federal Lifeline certification procedures. Eligible telecommunications carriers must make this certification annually to the Administrator as part of the carrier's submission of re-certification data pursuant to this section.
 - (3) An officer of the eligible telecommunications carrier must certify annually that the carrier has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.
- (b) All eligible telecommunications carriers must annually provide the results of their re-certification efforts, performed pursuant to § 54.410(f), to the Commission and the Administrator. Eligible telecommunications carriers designated as such by one or more states pursuant to § 54.201 must also provide, on an annual basis, the results of their re-certification efforts to state commissions for subscribers residing in those states where the state designated the eligible telecommunications carrier. Eligible telecommunications carriers must also provide their annual re-certification results for subscribers residing on Tribal lands to the relevant Tribal governments.
- (c) States that mandate Lifeline support may impose additional standards on eligible telecommunications carriers operating in their states to ensure compliance with state Lifeline programs.

21. Revise § 54.417 to read as follows:

§ 54.417 Recordkeeping requirements.

- (a) Eligible telecommunications carriers must maintain records to document compliance with all Commission and state requirements governing the Lifeline and Tribal Link Up program for the three full preceding calendar years and provide that documentation to the Commission or Administrator upon request. Notwithstanding the preceding sentence, eligible telecommunications carriers must maintain the documentation required in §§ 54.410(d) and 54.410(f) for as long as the subscriber receives Lifeline service from that eligible telecommunications carrier.
- (b) If an eligible telecommunications carrier provides Lifeline discounted wholesale services to a reseller, it must obtain a certification from that reseller that it is complying with all Commission requirements governing the Lifeline and Tribal Link Up program.
- (c) Non-eligible-telecommunications-carrier resellers that purchase Lifeline discounted wholesale services to offer discounted services to low-income consumers must maintain records to document compliance with all Commission requirements governing the Lifeline and Tribal Link Up program for the three full preceding calendar years and provide that documentation to the Commission or Administrator upon request. To the extent such a reseller provides discounted services to low-income consumers, it must fulfill the obligations of an eligible telecommunications carrier in §§ 54.405(e), 54.405(f), and 54.410.

22. Add § 54.419 to Subpart E to read as follows:

§ 54.419 Validity of electronic signatures.

- (a) For the purposes of this subpart, an electronic signature, defined by the Electronic Signatures in Global and National Commerce Act, as an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record, has the same legal effect as a written signature.
- (b) For the purposes of this subpart, an electronic record, defined by the Electronic Signatures in Global and National Commerce Act as a contract or other record created, generated, sent, communicated, received, or stored by electronic means, constitutes a record.

23. Add § 54.420 to Subpart E to read as follows:

§ 54.420 Low income program audits.

(a) Independent audit requirements for eligible telecommunications carriers. Companies that receive \$5 million or more annually in the aggregate, on a holding company basis, in Lifeline reimbursements must obtain a third party biennial audit of their compliance with the rules in this subpart. Such engagements shall be agreed upon performance attestations to assess the company's overall compliance with rules and the company's internal controls regarding these regulatory requirements.

(1) For purposes of the \$5 million threshold, a holding company consists of operating companies and affiliates, as that term is defined in section 3(2) of the Communications Act of 1934, as amended, that are eligible telecommunications carriers.

(2) The initial audit must be completed one year after the Commission issues a standardized audit plan outlining the scope of the engagement and the extent of compliance testing to be performed by third-party auditors and shall be conducted every two years thereafter, unless directed otherwise by the Commission. The following minimum requirements shall apply:

(i) The audit must be conducted by a licensed certified public accounting firm that is independent of the carrier.

(ii) The engagement shall be conducted consistent with government accounting standards (GAGAS).

(3) The certified public accounting firm shall submit to the Commission any rule interpretations necessary to complete the biennial audit, and the Administrator shall notify all firms subject to the biennial audit requirement of such requests. The audit issue will be noted, but not held as a negative finding, in future audit reports for all carriers subject to this requirement unless and until guidance has been provided by the Commission.

(4) Within 60 days after completion of the audit work, but prior to finalization of the report, the third party auditor shall submit a draft of the audit report to the Commission and the Administrator, who shall be deemed authorized users of such reports. Finalized audit reports

must be provided to the Commission, the Administrator, and relevant states and Tribal governments within 30 days of the issuance of the final audit report. The reports will not be considered or deemed confidential.

(5) Delegated authority. The Wireline Competition Bureau and the Office of Managing Director have delegated authority to perform the functions specified in §§ 54.22(a)(2) and (a)(3).

(b) Audit requirements for new eligible telecommunications carriers. After a company is designated for the first time in any state or territory the Administrator will audit that new eligible telecommunications carrier to assess its overall compliance with the rules in this subpart and the company's internal controls regarding these regulatory requirements. This audit should be conducted within the carrier's first twelve months of seeking federal low-income Universal Service Fund support.

24. Add § 54.422 to Subpart E to read as follows:

§ 54.422 Annual reporting for eligible telecommunications carriers that receive low-income support.

(a) In order to receive support under this subpart, an eligible telecommunications carrier must annually report the company name, names of the company's holding company, operating companies and affiliates, and any branding (a "dba," or "doing-business-as company" or brand designation) as well as relevant universal service identifiers for each such entity by Study Area Code. For purposes of this paragraph, "affiliates" has the meaning set forth in section 3(2) of the Communications Act of 1934, as amended.

(b) In order to receive support under this subpart, a common carrier designated as an eligible telecommunications carriers under section 214(e)(6) of the Act must annually provide:

(1) Detailed information on any outage in the prior calendar year, as that term is defined in 47 CFR § 4.5, of at least 30 minutes in duration for each service area in which the eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect

(i) At least ten percent of the end users served in a designated service area; or

(ii) A 911 special facility, as defined in 47 CFR § 4.5(e).

(iii) Specifically, the eligible telecommunications carrier's annual report must include information detailing:

- (A) The date and time of onset of the outage;
- (B) A brief description of the outage and its resolution;
- (C) The particular services affected;
- (D) The geographic areas affected by the outage;
- (E) Steps taken to prevent a similar situation in the future; and
- (F) The number of customers affected.

(2) The number of complaints per 1,000 connections (fixed or mobile) in the prior calendar year;

(3) Certification of compliance with applicable service quality standards and consumer protection rules;

(4) Certification that the carrier is able to function in emergency situations as set forth in § 54.202(a)(2);

(5) Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. To the extent the eligible telecommunications carrier offers plans to Lifeline subscribers that are generally available to the public, it may provide summary information regarding such plans, such as a link to a public website outlining the terms and conditions of such plans.

(c) All reports required by this section must be filed with the Office of the Secretary of the Commission, and with the Administrator. Such reports must also be filed with the relevant state commissions and the relevant authority in a U.S. territory or Tribal governments, as appropriate.

APPENDIX B

Proposed Rules

Current rule language = *italics*

New rule language = black standard text

Deletions from current rules = ~~*italics, strikethrough text*~~

§ 54.417 Recordkeeping Requirements

~~(a) Eligible telecommunications carriers must maintain records to document compliance with all Commission and state requirements governing the Lifeline/Link Up programs for the three ten full preceding calendar years and provide that documentation to the Commission or Administrator upon request. Notwithstanding the preceding sentence, eligible telecommunications carriers must maintain the documentation required in §§ 54.409(d) and 54.410(b)(3) for as long as the consumer receives Lifeline service from that eligible telecommunications carrier. If an eligible telecommunications carrier provides Lifeline discounted wholesale services to a reseller, it must obtain a certification from that reseller that it is complying with all Commission requirements governing the Lifeline/Link Up programs.~~

~~(b) Non-eligible telecommunications carrier resellers that purchase Lifeline discounted wholesale services to offer discounted services to low income consumers must maintain records to document compliance with all Commission requirements governing the Lifeline/Link Up programs for the three full preceding calendar years and provide that documentation to the Commission or Administrator upon request. To the extent such a reseller provides discounted services to low income consumers, it constitutes the eligible telecommunications carrier referenced in §§ 54.405(e), 54.405(d), 54.409(d), 54.410, and 54.416.~~

APPENDIX C

Certification Requirements for Lifeline Subscribers

Pursuant to the Universal Service Low-Income Order, all ETCs (or the state Lifeline program administrator, where applicable) must provide the following information in clear, easily understandable language on their initial and annual Lifeline certification forms:

Household Information for Initial and Annual Certification Forms

- **Contact Information:** All certification forms must ask for the Lifeline subscriber's name and address information.
 - **Residential Address:** Prior to providing service to a consumer, ETCs must collect a residential address from each subscriber, which the subscriber must indicate is his/her permanent address, and a billing address, if different than the subscriber's residential address. ETCs should inform subscribers that, if the subscriber moves, they must provide their new address to the ETC within 30 days of moving.
 - A consumer who lacks a permanent residential address (e.g., address not recognized by the Post Office, temporary living situation) must provide a temporary residential service address or other address identifying information that could be used to perform a check for duplicative support.
 - **Consumers using Post Office Box Addresses:** Lifeline subscribers may not use a post office box as their residential address. An ETC may accept a P.O. Box or General Delivery address as a billing address, but not a residential address.
 - **Consumers with Temporary Addresses:** ETCs must collect permanent addresses from subscribers. If a subscriber does not have a permanent address, ETCs must:
 - Inform applicants that, if they use a temporary address, the ETC will attempt to verify every 90 days that the subscriber continues to rely on that address, and (as noted above) the subscriber must notify the ETC within 30 days of their new address after moving.
 - Inform the subscriber that if he or she does not respond to the ETC's address verification attempts within 30 days, the subscriber may be de-enrolled from the ETC's Lifeline service.
- **Multiple Households Sharing an Address:** Upon receiving an application for Lifeline support, all ETCs must check the duplicates database to determine whether an individual at the applicant's residential address is currently receiving Lifeline-supported service. The ETC must also search its own internal records to ensure that it does not already provide Lifeline-supported service to someone at that residential address.
 - If nobody at the residential address is currently receiving Lifeline-supported service, the ETC may initiate Lifeline service after determining that the household is otherwise eligible to receive Lifeline and obtaining all required certifications from the household.
 - If the ETC determines that an individual at the applicant's residential address is currently receiving Lifeline-supported service, the ETC must collect from the applicant upon initial enrollment and annually thereafter a worksheet that: (1) explains the Commission's one-per-household rule; (2) contains a check box that an applicant can mark to indicate that he or she lives at an address occupied by multiple households; (3) provides a space for the applicant to initial or certify that he or she shares an address with other adults who do not contribute income to the

applicant's household and/or share in the household's expenses; and (4) notifies applicants of the one-per-household certification requirement adopted below and the penalty for a consumer's failure to make the required one-per-household certification (*i.e.*, de-enrollment).

- One-per-Household Certification: All consumers must certify that they receive Lifeline support for a single subscription per household.
 - All ETCs (or state agencies or third-parties, where they are responsible for Lifeline enrollment in a state) must obtain a certification from the subscriber at sign up and annually thereafter attesting under penalty of perjury that the subscriber's household is receiving no more than one Lifeline-supported service. In addition, the certification form must include a place for the subscriber to separately acknowledge that, to the best of his or her knowledge, no one at the consumer's household is receiving a Lifeline-supported service from any other provider.
 - The certification form must explain in clear, easily understandable language that: (1) Lifeline is a federal benefit; (2) Lifeline service is available for only one line per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; and (4) households are not permitted to receive benefits from multiple providers.
 - The certification form must also contain clear, easily understandable language stating that violation of the one-per-household requirement would constitute a violation of the Commission's rules and would result in the consumer's de-enrollment from the program, and potentially, prosecution by the United States government.

Eligibility Information for Initial and Annual Certification Forms

- *Identity Information:* all certification forms must ask for the Lifeline subscriber's date of birth and the last 4 digits of the subscriber's social security number.
- *Establishing eligibility for Lifeline:*
 - The certification form should be written in clear, easily understandable language and should include a place for the customer to sign under penalty of perjury attesting to his/her eligibility for Lifeline. All ETCs (or the state Lifeline program administrator, where applicable) should obtain the consumer's signature certifying under penalty of perjury that:
 - The consumer either participates in a qualifying federal program or meets the income qualifications to establish eligibility for Lifeline;
 - The consumer has provided documentation of eligibility, if required to do so;
 - The consumer attests that the information contained in his or her application is true and correct to the best of his or her knowledge and acknowledging that providing false or fraudulent information to receive Lifeline benefits is punishable by law. The certification form should explain that Lifeline is a government benefit program and consumers who willfully make false statements in order to obtain the benefit can be punished by fine or imprisonment or can be barred from the program.
 - The certification form must include space for consumers qualifying for Lifeline under an income-based criterion to certify the number of individuals in their household.
 - ETCs (or the state administrator, where applicable) should also obtain the consumer's initials or signature on the certification form acknowledging that the consumer may be required to re-certify his or her continued eligibility for Lifeline at any time, and that failure to do so will result in the termination of the consumer's Lifeline benefits.

- *Consumer no longer eligible for Lifeline:* The certification form must notify the consumer using clear, easily understandable language that he or she must inform the ETC within 30 days if (1) the consumer ceases to participate in a federal qualifying program or programs or the consumer's annual household income exceeds 135% of the Federal Poverty Guidelines; (2) the consumer is receiving more than one Lifeline-supported service; or (3) the consumer, for any other reason, no longer satisfies the criteria for receiving Lifeline support. Additionally, prior to enrolling in Lifeline, consumers must certify attest under penalty of perjury that they understand the notification requirement, and that they may be subject to penalties if they fail to follow this requirement.
- *Tribal eligibility:* Consumers seeking Tribal lands Lifeline support must certify that they reside on Federally-recognized Tribal lands.
- *Non-transferability of Lifeline benefit:* The certification form should inform consumers that Lifeline service is a non-transferable benefit, and that a Lifeline subscriber may not transfer his or her service to any other individual, including another eligible low-income consumer.

Annual Re-certification of Consumer Eligibility for Lifeline

- By the end of 2012, each Lifeline subscriber enrolled in the program as of June 1, 2012 must provide a signed re-certification form to the ETC (or the state Lifeline administrator, where applicable) attesting to their continued eligibility for Lifeline. This signed certification should collect all of the subscriber information noted above, including an updated address. Consumers may provide the re-certification in writing, by phone, by text message, by email, or otherwise through the Internet.
- Alternatively, where a database containing consumer eligibility data is available, the carrier (or state Lifeline administrator, where applicable) must query the database by the end of 2012 and maintain a record of what specific data was used to re-certify the consumer's eligibility and the date that the consumer was re-certified.
- The ETC or the state administrator, where applicable, must report the results of their re-certification efforts to USAC, the Commission, and the relevant state commission (where the state has jurisdiction over the carrier) by January 31, 2013. ETCs or the state administrator, where applicable, should also provide their re-certification results to the relevant Tribal government, for subscribers residing on reservations or Tribal lands.
- ETCs must remind consumers about the annual re-certification requirement on the ETC's certification form that is completed upon program enrollment and annually thereafter.

Database

- *Consent to provide information to the database:* An ETC must obtain acknowledgement and consent from each of its subscribers that is written in clear, easily understandable language that the subscriber's name, telephone number, and address will be divulged to the Universal Service Administrative Company (USAC) (the administrator of the program) and/or its agents for the purpose of verifying that the subscriber does not receive more than one Lifeline benefit. In the event that USAC identifies a consumer as receiving more than one Lifeline subsidy per household, all carriers involved may be notified so that the consumer may select one service and be de-enrolled from the other.

APPENDIX D

Lifeline Verification Survey Results for 2011 and 2007

Table 1 – Lifeline Verification Results for 2011¹

State / Territory	Subscribers Surveyed	Found ineligible	No response to survey	Percentage Deemed Ineligible	Percentage Non-Responders
Federal Default States					
American Samoa	62	0	16	0%	26%
Delaware	534	56	217	10%	41%
Hawaii	499	61	116	12%	23%
Indiana	2,066	340	647	16%	31%
Iowa	12,015	711	4,936	6%	41%
Louisiana	3,656	331	926	9%	25%
New Hampshire	629	115	156	18%	25%
North Dakota	2,240	419	706	19%	32%
Northern Mariana Islands	1,857	0	0	0%	0%
South Dakota	2,411	243	802	10%	33%
Non-Federal-Default States Mandating that ETCs Follow Federal Verification Procedures					
Arkansas	6,114	384	653	6%	11%
New York	6,276	401	1,755	6%	28%
North Carolina	4,288	171	689	4%	16%
Non-Federal-Default States Requiring ETCs to submit verification results to USAC					
Alabama	4,594	858	1,193	19%	26%
Arizona	1,982	180	674	9%	34%
Pennsylvania	2,519	226	395	9%	16%
West Virginia	1,123	198	338	18%	30%
Average	52,865	4,694	14,219	9%	27%

¹ Letter from Karen Majcher, Vice President High Cost and Low Income Division, Universal Service Administrative Company, to Sharon Gillett, Chief, Wireline Competition Bureau, Federal Communications Commission, WC Dkt. Nos. 11-42, 03-109, CC Dkt. No. 96-45, at 3 (Jan. 24, 2012) (*USAC 2011 Verification Results Letter*). As USAC noted, In 2010, USAC could not confirm that Kentucky, Puerto Rico, and Tennessee required ETCs to submit verification results to USAC. *Id.* at 1 n.3. Therefore, USAC excluded those states from the list of non-federal default states that require ETCs to submit verification results to USAC for 2011. *Id.*

Table 2 – Lifeline Verification Results for 2007²

State / Territory	Subscribers Surveyed	Found ineligible	No response to survey	Percentage Deemed Ineligible	Percentage Non-Responders
Federal Default States					
American Samoa	154	3	0	2%	0%
Delaware	250	4	162	2%	65%
Hawaii	296	54	11	18%	4%
Iowa	9,492	1,646	1,219	17%	13%
Indiana	2,669	991	1,065	37%	40%
Louisiana	2,141	673	175	31%	8%
New Hampshire	483	108	212	22%	44%
North Dakota	2,795	342	574	12%	21%
Northern Mariana Islands	947	0	0	0%	0%
South Dakota	1,823	472	447	26%	25%
Non-Federal-Default States Mandating that ETCs Follow Federal Verification Procedures					
Arkansas	5,650	1,608	296	28%	5%
New York	4,208	624	585	15%	14%
North Carolina	10,534	940	600	9%	6%
Non-Federal-Default States Requiring ETCs to submit verification results to USAC					
Alabama	4,618	1,393	454	30%	10%
Arizona	1,313	619	525	47%	40%
Kentucky	11,482	1,253	1,788	11%	16%
Pennsylvania	138,453	10,956	9,866	8%	7%
Puerto Rico	4	3	0	75%	0%
Tennessee	4,907	1,562	891	32%	18%
West Virginia	838	109	702	13%	84%
Average	203,057	23,360	19,572	12%	10%

² Letter from Karen Majcher, Vice President High Cost and Low Income Division, to Sharon Gillett, Chief, Wireline Competition Bureau, Federal Communications Commission, WC Dkt. Nos. 11-42, 03-109, CC Dkt. No. 96-45, at 3 (Jan. 10, 2012) (*USAC Certification & Verification Letter and Data*).

APPENDIX E

Initial Commenters

<u>Commenter</u>	<u>Abbreviation</u>
AARP	AARP
Advocates for Basic Legal Equality, Inc.	
Community Counseling Bristol County	
Community Voice Mail	
Crossroads Urban Center	
Disability Right Advocates	
Legal Services Advocacy Project	
Low Income Utility Advocacy Project	
National Center for Medical-Legal Partnership	
National Consumer Law Center, On Behalf of Our	
Low-Income Clients	
New Jersey Shares	
Ohio Poverty Law Center	
Open Access Connections	
Pennsylvania Utility Law Project	
Pro Seniors, Inc.	
Salt Lake Community Action Program	
Texas Legal Services Center	
Virginia Citizens Consumer Council	Consumer Groups
Alaska Telephone Association	ATA
American Library Association	ALA
American Public Communications Council, Inc.	APCC
Amvensys Telecom Holdings, LLC	Amvensys
Area Agency on Aging of West Central Arkansas	Area Agency on Aging WCA
Arkansas Advocates for Nursing Home Residents	AANHR
Association of Programs for Rural Independent	
Living	APRIL
AT&T	AT&T
Benton Foundation and Center for Rural Strategies	
Public Knowledge and United Church of Christ,	
OC Inc.	Benton/PK/UCC
Box Top Solutions, Inc.	Box Top
Budget Prepay, Inc.	
GreatCall, Inc.	
and PR Wireless Inc. d/b/a Open Mobile	Budget/GreatCall/PR
CenturyLink	CenturyLink
CGM, LLC	CGM
Cincinnati Bell Inc.	Cincinnati Bell
City Councilor Sean Paulhus (ME)	
City of New York	City of NY
City of North Las Vegas	North Las Vegas
Comcast Corporation	Comcast
Commissioner Brenda Howerton (NC)	
Commissioner Joe Bowser (NC)	

Commissioner Lawrence Weekly (NV)	
Commissioner Michael Page (NC)	
Ogden-Weber Community Action Partnership	OWCAP
COMPTEL	COMPTEL
Conexions LLC d/b/a Conexion Wireless	Conexions
Consumer Cellular, Inc.	CCI
Connecticut Department of Public Utility Control	CT DPUC
Councilman Christopher A. Hilbert (VA)	
Councilman Howard Clement (NC)	
Councilman Jamie Benoit (MD)	
Councilman Kelvin E. Washington, Sr. (SC)	
Councilman Ricki Y. Barlow (NV)	
Councilwoman Cora Cole-McFadden (NC)	
Cox Communication Inc.	Cox
CTIA-The Wireless Association	CTIA
Daniel Reyes, III	
Delegate Benjamin S. Barnes	
Delegate Eileen Filler-Corn	
Delegate Joe Morrissey (VA)	
Delegate Paula J. Miller (VA)	
Public Service Commission of the District of Columbia	DC PSC
Educational Services Network, Corp.	EDNet
Executive Councilor Daniel St. Hilaire (NH)	
Florida Public Service Commission	FL PSC
General Communication, Inc.	GCI
Gila River Telecommunications, Inc.	GRTI
House Democratic Caucus (GA)	
Indiana Family and Social Services Administration	Indiana FSSA
Indiana Utility Regulatory Commission	IN URC
Institute for Health, Law & Ethics	IHLE
Iridium Satellite LLC	Iridium
Keep USF Fair Coalition	Keep USF Fair
Kevan Lee Deckelmann	
Las Vegas Urban League	Las Vegas Urban League
The Leadership Conference on Civil and Human Rights	LCCHR
Leap Wireless International, Inc.	
and Cricket Communications, Inc.	Cricket
Massachusetts Department of Telecommunications and Cable	MA DTC
Mayor Jim Bouley (NH)	
Media Action Grassroots Network	MAG-Net
Michigan Public Service Commission	MI PSC
Minority Media and Telecommunications Council	MMTC
Mississippi Public Service Commission	MS PSC
Public Service Commission of the State of Missouri	MO PSC
National ALEC Association/Prepaid Communications Association	NALA/PCA
National Association for the Advancement of Colored People Reno / Sparks Branch #1112	NAACP Reno Sparks
National Association of State Utility Consumer Advocates	NASUCA
National Association of Telecommunications Officers	

and Advisors	NATOA
National Cable & Telecommunications Association	NCTA
National Consumer Law Center	NCLC
National Telecommunications Cooperative Association	NTCA
Nebraska Public Service Commission	NE PSC
New America Foundation	NAF
New Hampshire Coalition of Aging Services	NH Coalition of Aging
New Hampshire Coalition Against Domestic and Sexual Violence	NHCADSV
New Jersey Division of Rate Counsel	NJ DRC
New York State Public Service Commission	NY PSC
Nexus Communications, Inc.	Nexus
Ohio Association of Second Harvest Food Banks	OASHF
Open Access Connections (formerly Twin Cities Community Voice Mail)	
Energy Cents Coalition	
Main Street Project	
Minnesota Center for Neighborhood	
Organizaing Voices for Change	Open Access
One Economy Corp.	One Economy
Partnership for a Connected Illinois	PCI
Public Utilities Commission of Ohio	OH PUC
Public Utilities Commission of Oregon	OR PUC
Rainbow PUSH Coalition	Rainbow PUSH
Reunion Communications, Inc.	Reunion
San Juan Cable LLC d/b/a OneLink Communications	OneLink
Several Members of the Texas House Democratic Caucus	
Smith Bagley, Inc.	SBI
Solix, Inc.	Solix
Southern Nevada Children First	SNCF
Sprint Nextel Corp.	Sprint
State Representative Barbara B. Boyd, Ed. D. (OH)	
State Representative Bob Turner (WI)	
State Representative Christopher J. England (AL)	
State Representative Cory Mason (WI)	
State Representative Demetrius C. Newton (AL)	
State Representative Denise Driehaus (OH)	
State Representative Denise Harlow (ME)	
State Representative Diane Russell (ME)	
State Representative Dennis Murray (OH)	
State Representative J. M. Lozano (TX)	
State Representative John F. Knight (AL)	
State Representative John Robinson (AL)	
State Representative John W. Rogers (AL)	
State Representative Leslie Milam Post (AR)	
State Representative Mark Eves (ME)	
State Representative Peter Stuckey (ME)	
State Representative Ralph Howard (AL)	
State Representative Richard Laird (AL)	
State Representative Sheila Lampkin (AR)	

State Representative Stacy Adams (GA)
State Representative Tony Payton (PA)
State Senator Jason Wilson (OH)
State Senator John C. Astle (MD)
State Senator Thomas Mac Middleton (MD)
Suzanne Burke
TCA
TracFone Wireless, Inc.
United States Telecom Association
Verizon and Verizon Wireless
ViaSat, Inc.
Virginia Interfaith Center for Public Policy
YourTel America, Inc.

TCA
TracFone
USTelecom
Verizon
ViaSat
Virginia Interfaith Center
YourTel

APPENDIX F

Reply Commenters

<u>Commenter</u>	<u>Abbreviation</u>
Advocates for Basic Legal Equality, Inc.	
Community Voice Mail National	
Disability Rights Advocates	
Low Income Utility Advocacy Project	
The National Consumer Law Center, on Behalf of our	
Low-Income	
Clients	
Ohio Poverty Law Center	
Open Access Connections	
Pennsylvania Utility Law Project	
Pro Seniors, Inc.	
Texas Legal Services Center	
Virginia Citizens Consumer Council	Consumer Groups
American Public Communications Council, Inc.	APCC
Amvensys Telecom Holdings, LLC	Amvensys
AT&T	AT&T
California Public Utilities Commission	CA PUC
COMPTEL	COMPTEL
CTIA–The Wireless Association	CTIA
Emerios	Emerios
Fletcher School (Tufts University)	Fletcher School
General Communication, Inc.	GCI
Leap Wireless International, Inc. and Cricket	
Communications, Inc.	Cricket
Media Action Grassroots Network	MAG-Net
MFY Legal Services, Inc.	MFY Legal Services
Michigan Public Service Commission	MI PSC
Montana Independent Telecommunications Systems, LLC	MITs
National ALEC Association/Prepaid Communications	
Association	NALA/PCA
National Association of State Utility Consumer Advocates	NASUCA
National Hispanic Media Coalition	NHMC
New Jersey Division of Rate Counsel	NJ DRC
Nexus Communications, Inc.	Nexus
One Economy Corp.	
Léague of United Latin America Citizens	One Economy
Minority Media and Telecommunications Council	Open Access Connections
Open Access Connections	PR Wireless
PR Wireless, Inc. d/b/a Open Mobile	Alaska Commission
Regulatory Commission of Alaska	Reunion
Reunion Communications, Inc.	Sprint
Sprint Nextel Corporation	Alaska
State of Alaska	TX Telephone Cooperative
Texas Statewide Telephone Cooperative, Inc.	TracFone
TracFone Wireless, Inc.	

Verizon and Verizon Wireless
YourTel America, Inc.

Verizon
YourTel

APPENDIX G

Further Inquiry Public Notice (DA 11-1346) Commenters

<u>Commenter</u>	<u>Abbreviation</u>
Advocates for Basic Legal Equality, Inc.	
Center for Accessible Technology	
Community Voice Mail	
Crossroads Urban Center	
Legal Services Advocacy Project	
The Low Income Utility Advocacy Project	
National Consumer Law Center	
National Center for Medical-Legal Partnership	
Ohio Poverty Law Center	
Pennsylvania Utility Law Project	
Pro Seniors, Inc.	
Salt Lake Community Action Program	
Texas Legal Services Center	
Virginia Citizens Consumer Council	
Alabama Public Service Commission	APSC
American Public Communications Council	APCC
Atlantic Tele-Network, Inc.	ATNI
Allied Wireless Communications Corporation	Allied
Wireless Comnet of Nevada, LLC	Comnet
Choice Communications, LLC	Choice
AT&T	AT&T
Benton Foundation	
New America Foundation	
Public Knowledge	
United Church of Christ	
OC Inc.	
Center For Rural Strategies	
Access Humboldt and Deep Tech	
Budget PrePay, Inc.	Benton
GreatCall, Inc.	Budget PrePay
PR Wireless Inc. d/b/a Open Mobile	GreatCall
California Public Utilities Commission	PR Wireless
CenturyLink	CA PUC
COMPTEL	CenturyLink
Connected Living Inc.	
Cox Communications, Inc.	Connected Living
Don S. Samuelson Associates	Cox
Emerios	DSSA
Free State Foundation	Emerios
General Communication, Inc.	
Gila River Telecommunications, Inc.	GCI
Latinos in Information Sciences and Technology Association	GRTI
	LISTA

Leap Wireless International, Inc.	
Cricket Communications, Inc.	Cricket
Link Up for America Coalition	LUAC
Michigan Public Service Commission	MPSC
Minority Media and Telecommunications Council	MMTC
Public Service Commission of the State of Missouri	MoPSC
National Association of State Utility Consumer Advocates	NASUCA
New Jersey Division of Rate Counsel	NJ DRC
National Consumer Law Center	NCLC
Nexus Communications, Inc.	Nexus
Smith Bagley, Inc.	SBI
Sprint Nextel Corporation	Sprint
Standing Rock Sioux Tribe	SRST
Standing Rock Telecommunications Inc.	SRTI
TracFone Wireless, Inc.	TracFone